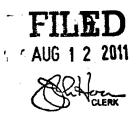
UNITED STATES DISTRICT COURT DISTRICT OF SOUTH DAKOTA CENTRAL DIVISION



CONSTITUTION PARTY OF SOUTH DAKOTA, JOY HOWE, MARVIN MEYER, and MARK PICKENS,

CIV 10-3011-RAL

Plaintiffs,

ORDER DISMISSING COUNT II
WITHOUT PREJUDICE FOR
LACK OF JURISDICTION

VS.

CHRIS NELSON, in his official capacity as Secretary of State of South Dakota,

*

Defendant.

On August 4, 2010, this Court issued a Judgment of Dismissal (Doc. 34) in this case based on this Court's Opinion and Order Granting Defendant's Motion for Summary Judgment and Denying Plaintiffs' Motion for Preliminary Injunctive Relief (Doc. 33). The United States Court of Appeals for the Eighth Circuit affirmed in part and vacated in part the Judgment and remanded with instructions to dismiss Count II without prejudice for lack of standing. For the reasons stated in the Eighth Circuit's opinion, it is hereby

ORDERED that, consistent with the opinion of the Eighth Circuit, Count II is dismissed without prejudice.

Dated August 12, 2011.

BY THE COURT:

ROBERTO A. LANGE

UNITED STATES DISTRICT JUDGE